

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Krissy Ann Gorski,

Case No. 22-CV-2209 (KMM/ECW)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Andre Matevousian, Regional Director;  
Mistell Starr, Warden of FCI Waseca; T.  
Vaught, Associate Warden FCI Waseca;  
and Deanna Hiller, Unit Director,

Defendants.

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In an order dated October 18, 2022, this Court directed plaintiff Krissy Ann Gorski, a federal prisoner, to pay an initial partial filing fee of at least \$36.70 within 21 days, failing which it would be recommended that this matter be dismissed without prejudice for failure to prosecute. *See* Dkt. No. 6. That deadline has now passed, and Gorski has not yet paid the initial partial filing fee. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

## RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,  
IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT  
PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: November 14, 2022

*s/Elizabeth Cowan Wright*  
ELIZABETH COWAN WRIGHT  
United States Magistrate Judge

## NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).